

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ronald Lesser                      Confirmation No.: 3406  
Serial No.:            09/157,998                      Art Unit: 3626  
Filed:                   September 22, 1998                      Examiner: Glass, Russell S.  
For:                    A SOFTWARE DEVICE TO FACILITATE CREATION OF MEDICAL  
                             RECORDS, MEDICAL LETTER, & MEDICAL INFORMATION FOR  
                             BILLING PURPOSES

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Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NON-FINAL OFFICE ACTION, NOTICE OF COPYING CLAIMS,  
AND SUGGESTION FOR AN INTERFERENCE (PURSUANT TO 37 CFR 41.202 AND  
MPEP 2304.02)**

Sir:

This communication is in response to the Non-Final Office Action mailed August 10, 2007. Among other things, Applicant respectfully suggests that an Interference should be declared between Applicant's application and U.S. Patent No. 6,529,876 issued to Dart, et al. (the '876 patent)

Applicant respectfully submits that all of those copied claims interfere. In order to simplify this proceeding, Applicant is contemporaneously cancelling its other independent

**Certificate of Transmission**

I hereby certify that this correspondence is being transmitted via EFS to: Mail Stop: Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

/J. Mark Holland/  
J. Mark Holland, Reg. No. 32,416

February 11, 2008  
DATE

claims, including ones that might be allowable based on Applicant's recent interview with the Examiner. Applicant respectfully reserves the right to pursue those and other claims within this application, and/or within a continuation, divisional, or other related application.

For purposes of the suggested interference, Applicant proposes a count corresponding to each of those copied claims. The claims correspond to each count, as shown in the table below:

<i>Count</i>	<i>Corresponding Claim from '876 patent</i>	<i>Corresponding Claim from this Application</i>
1	1	94
2	2	95
3	3	96
4	4	97
5	5	98
6	6	99
7	7	100
8	8	101
9	9	102
10	10	103

Given the identity of the claims for each count above, Applicant respectfully submits that the indicated claims interfere with each other within the meaning of 37 CFR 41.203(a). Specifically, due to that identity, an interference should be declared because "the subject matter of a claim of one party would, if prior art, have anticipated or rendered obvious the subject matter of a claim of the opposing party and vice versa."

In further support of a declaration of an Interference, Applicant notes that his filing date predates that of the '876 patent (Applicant filed on September 22, 1998, and the '876 priority date appears to be March 26, 1999). Accordingly, Applicant's earlier filing date would appear to entitle Applicant to a presumption of priority on each claim.

In further support, Applicant is filing herewith the following materials:

1. This response, which includes an Amendment by which Applicant is copying all of the claims of the '876 patent.
2. A Claim Chart pursuant to MPEP 2304.02, which (for each of the above counts) shows at least part of the written description for each claim in Applicant's specification.

Applicant respectfully submits that the materials herein, including the above chart identifying at least portions of his specification, likewise sufficiently show where Applicant's disclosure provides a constructive reduction to practice within the scope of the interfering subject matter.

Further remarks begin on page 5. Amendments begin on page 7.

If the Examiner has any questions or would like to discuss any remaining or new issues regarding this communication, Applicant invites the Examiner to contact the undersigned representative of Applicant at (949) 718-6750.

Contemporaneously with this filing, Applicant is filing a Petition and Fee for Extension of Time. Applicant believes no additional fees are due in connection with this filing. However, the Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 08-2624.

Respectfully submitted,

Date: February 11, 2008

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JMH:dw  
Enclosures

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